

CITY OF CARLISLE
REGULAR CITY COUNCIL MEETING
Monday, August 9, 2004
7:00 P.M.
Carlisle City Hall Council Chamber

Officials present were: Mayor Ruth Randleman, Councilmembers Drew Merrifield, Allen Wiese, Pat Stump, Blair Dewey and Frank Shultz, City Administrator/Clerk Neil Ruddy, Deputy Clerk Pat Brehse and City Attorney Robert Stuyvesant.

The meeting was called to order at 7:01 P.M.

Motion by Stump to APPROVE THE FOLLOWING CONSENT ITEMS: July 26, 2004 Regular City Council meeting minutes and June, 2004 Clerk's report to receive and file for audit. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Councilmember Shultz had the BILLS PAYABLE FOR REVIEW in the amount of \$573,296.91 for bills already paid and \$38,056.50 for current bills for a total amount of \$611,353.41. Motion by Shultz to APPROVE PAYMENT OF BILLS IN THE TOTAL AMOUNT OF \$611,353.41. Seconded by Stump. Roll call vote: Shultz – Aye, Stump – Aye, Dewey – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

Motion by Stump to APPROVE RECOMMENDATION FOR PAYMENT NO. 1, TO RICCHIO, INC. (CONTRACT #1) IN THE AMOUNT OF \$50,721.00 FOR POOL VESSEL CONSTRUCTION PROJECT. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

CITIZEN PARTICIPATION: None.

Paul Hulbert of Des Moines presented a COMPLAINT REGARDING AN INCIDENT involving a Carlisle Police Officer that took place on July 26, 2004. The incident is under investigation. Motion by Shultz to ACCEPT THE HULBERT COMPLAINT INTO THE RECORD. Seconded by Stump. Roll call vote: Shultz – Aye, Stump – Aye, Dewey – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

Motion by Stump to ACCEPT THE RESIGNATION OF STEVE WILSON FROM THE PLANNING AND ZONING COMMISSION WITH REGRETS and to advertise the position. Seconded by Shultz. Roll call vote: Stump – Aye, Shultz – Aye, Dewey – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

Mayor Randleman OPENED THE PUBLIC HEARING ON THE DANAMERE FARMS, INC. REQUEST TO RE-ZONE A 7.82 ACRE PARCEL of land in the SW ¼ of the SW ¼ of section 3 and the NW ¼ of the SW ¼ of section 3 of T77N R23W from A-1 Agricultural to C-2 Highway Commercial at 7:16 P.M. Jeff Schug of McClure Engineering explained that the request is to rezone the area directly to C-2 highway commercial rather than designate it as underlying C-2 highway commercial in the Planned Unit Development. The remaining PUD will consist of a 10.08-acre parcel A with underlying R-3 multi-family residential zoning, a 76.7-acre parcel B with underlying R-1 residential zoning and a .93-acre parcel C with underlying R-1 residential zoning and have a total green space designation of 37.89 acres or 48.34% of the PUD area. There will be 5' sidewalks on one side of each street and the storm drainage from parcel A will outlet partially to Highway 5 and partially to the green space to the south so that there will be no runoff to adjacent property. City Engineer John Gade explained that the C-2 highway commercial zone is intended for shopping areas along major streets and highways while the C-1 limited commercial zone is intended for neighborhood business and office development. The C-2 zone allows uses such as automobile and farm implement sales, ballrooms and dance halls, cocktail lounges or taverns, gasoline stations, night clubs and restaurants that are not permitted in the C-1 zone. Most of the existing commercial areas along Highway 5 are currently zoned C-2. William Schooler, Jr. stated that the C-2 zoning request has not been presented to the Planning and Zoning Commission, that he has contacted Planning

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and Zoning Commission members and they have indicated that they would change votes recommending approval of the zoning changes, that certain C-2 uses should not be adjacent to churches or schools and that the City should require the developer to conform to the quaint village requirements of the Carlisle Vision and Action Plan. Steve Niebuhr of Hubbell Realty stated that C-2 is the logical designation for the area and that the City will have the additional authority to review each commercial site plan. Dave Kellemyn, 525 Ash, presented a petition from Ash Street residents stating concerns about increased street traffic. It was explained that the City is preparing a transportation plan that will include an analysis of possible street improvements in the 8th Street and Ash Street neighborhood and that these would probably be financed as a special assessment project. Jeff Means stated that because parcel A is the highest area on the site, the underlying zoning should be R-2 medium density residential rather than R-3, heavy density residential to reduce building height. John Gade explained that both R-2 and R-3 allow a 35' maximum building height and that the PUD limits buildings of 12 units or more to 2 stories if they are within 100' of an R-2 area. Planning and Zoning Commission member John Williams asked which Planning and Zoning Commission members had been contacted by Mr. Schooler. Mr. Schooler stated that he had contacted one Planning and Zoning Commission member. John Williams stated that he had not been contacted and that the Planning and Zoning Commission had reviewed and approved both the C-2 zoning request and the PUD zoning request and that he recommends passage of the requested zoning changes. Peggy O'Neill, 505 S. 8th, stated that 8th Street is deteriorating and that storm water is a problem. Tiffany Coleman, Warren County Economic Development Director stated that although input is important, the requested rezoning will be a step forward. A letter in support of the requested rezoning from Cindy Rockwell, Carlisle Betterment Group President, was presented. Tom Lane, Superintendent of Schools, stated that the developer should be given leeway on how to market the property. The permitted uses in a C-2 zone were discussed. It was felt that cocktail lounge or tavern and night club uses should be excluded and that a restaurant should be defined as having alcoholic beverage sales as less than 50% of gross income.

Motion by Stump to CLOSE THE PUBLIC HEARING at 9:25 P.M. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Motion by Wiese to APPROVE THE FIRST READING OF AN ORDINANCE AMENDING ZONING CLASSIFICATIONS FOR PROPERTIES LOCATED IN THE CITY OF CARLISLE, more specifically to rezone a 7.82 acre parcel in the SW ¼ of the SW ¼ of section 3 and the NW ¼ of the SW ¼ of section 3 of T77N R23W from A-1 Agricultural to C-2 Highway Commercial, with limiting conditions excluding cocktail lounge or tavern and night club uses and defining a restaurant use as having alcoholic beverage sales as less than 50% of gross income. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Nay. Motion carried.

Mayor Randleman OPENED THE PUBLIC HEARING ON THE DANAMERE FARMS, INC. REQUEST TO RE-ZONE AN 89.95 ACRE PARCEL of land in sections 3, 4, 9 and 10 of T77N R23W from A-1 Agricultural to PUD Planned Unit Development with underlying R-3 multi-family zoning on parcel A and underlying R-1 one and two family residential zoning on parcels B and C at 9:27 P.M. It was felt that the relevant issues had been covered in the previous hearing. Motion by Stump to CLOSE THE PUBLIC HEARING at 9:28 P.M. Seconded by Merrifield. Roll call vote: Stump – Aye, Merrifield – Aye, Wiese – Aye, Dewey – Aye, Shultz – Nay. Motion carried. Motion by Merrifield to ACCEPT THE PETITION FROM ASH STREET RESIDENTS AND THE LETTER FROM THE CARLISLE BETTERMENT GROUP INTO THE RECORD. Seconded by Wiese. Roll call vote: Merrifield – Aye, Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Motion by Stump to APPROVE THE FIRST READING OF AN ORDINANCE AMENDING ZONING CLASSIFICATIONS FOR PROPERTIES LOCATED IN THE CITY OF CARLISLE, more specifically to re-zone an 89.95 acre parcel of land in sections 3, 4, 9 and 10 of T77N R23W from A-1 Agricultural to PUD Planned Unit Development with underlying R-3 multi family zoning on parcel A and underlying R-1 one and two family residential zoning on parcels B and C. Seconded by Merrifield. Roll call vote: Stump – Aye, Merrifield – Aye, Wiese – Aye, Dewey – Aye, Shultz – Nay. Motion carried.

The APPLICATION FROM ROBERT AND KATHY BETZER TO RE-ZONE THE FOLLOWING DESCRIBED PROPERTY FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL:

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Out Lot 16 except S 184' x W 325', except parcels F and H and except the Betzer subdivision at the intersection of Garfield and Market Streets was reconsidered. Marilyn Miller and expressed concern about noise during the day. Bob Betzer stated that there will not be a driveway to Elm Street. City Engineer John Gade stated that the plan review ordinance includes buffer requirements. Motion by Dewey to APPROVE THE SECOND READING AND WAIVE THE THIRD READING OF AN ORDINANCE REZONING OUT LOT 16 EXCEPT THE S 184' X W 325', EXCEPT PARCELS F AND H AND EXCEPT THE BETZER SUBDIVISION FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL with the added required condition that no permitted use shall take place between the period of time from 10:00 P.M. to 6:00 A.M. of each day. Seconded by Shultz. Roll call vote: Dewey – Aye, Shultz – Aye, Stump – Nay, Wiese – Aye, Merrifield – Nay. Motion failed because waiver of an ordinance reading must be by at least a super majority vote. Motion by Dewey to APPROVE THE SECOND READING OF AN ORDINANCE REZONING OUT LOT 16 EXCEPT THE S 184' X W 325', EXCEPT PARCELS F AND H AND EXCEPT THE BETZER SUBDIVISION FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL with the added required condition that no permitted use shall take place between the period of time from 10:00 P.M. to 6:00 A.M. of each day. Seconded by Shultz. Roll call vote: Dewey – Aye, Shultz – Aye, Stump – Nay, Wiese – Aye, Merrifield – Nay. Motion carried.

Public Works Director O'Braza reported on FLOODING FROM THE TWO STORMS ON AUGUST 3, 2004 and explained that the City is discussing storm water control projects with the school district, including a temporary speed bump at the intersection of the school driveway and 1st St. and installation of approximately 60' of curb on the east side of the school driveway at School St. Mayor Randleman reported that she has requested information from Metro Waste Authority on possible funding for conservation based mitigation techniques. Jim Mitchell presented an August 5, 2004 letter requesting relief from flooding at the Carlisle Stud and Track building at 300 S. Garfield. Specific items included resolution of the claim for flood damages in October 2002, completion of the storm sewer improvements recommended by Lee Engineers and Surveyors, consisting of ditch improvements on School Street, First Street and along the levee and either raising the building above flood elevation or purchasing and removing the building. Motion by Stump to ACCEPT THE AUGUST 5, 2004 LETTER FROM JIM MITCHELL INTO THE RECORD. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Flooding on the east side of the box culvert south of Patterson Drive was discussed.

Tiffany Coleman presented the report from Warren County Economic Development Corporation on 2003-04 activities and the request for 2004-05 funding support. The effectiveness of the performance of the marketing effort for Carlisle, especially in facilitating the development of vacant land and development of infrastructure, was questioned. Motion by Wiese to APPROVE THE PAYMENT OF HALF THE REQUESTED AMOUNT OF 2004-05 FUNDING SUPPORT FOR THE WARREN COUNTY ECONOMIC DEVELOPMENT CORPORATION and to direct staff to prepare a written explanation of the performance concerns. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

The ENCROACHMENT OF THE FENCE at 525 N. 9th on the property at 535 N. 9th was reviewed. The City Attorney stated that the matter is between the two property owners and that there is nothing the City can do.

The proposed rate increase for security lights was considered. Motion by Dewey to APPROVE THE FIRST READING AND WAIVE THE SECOND AND THIRD READINGS OF AN ORDINANCE AMENDING PROVISIONS PERTAINING TO DAWN TO DUSK LIGHTING RATES. Seconded by Shultz. Roll call vote: Dewey – Aye, Shultz – Aye, Stump – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

It was decided to take no action on the proposal from Latham and Associates to study the FEASIBILITY OF FORMING A NATURAL GAS UTILITY until three years before the current franchise expires in 2009. No action was taken on the swimming pool fence ordinance or on the advisory vote on open burning. Councilmember Wiese reported on storm water drainage and on a Knox Box presentation, Councilmember

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Dewey reported on the Opportunity Iowa fiber utility initiative, Councilmember Shultz asked about the final payment on the North 1st St. bridge project and Mayor Randleman reported on Bicycle and Pedestrian Roundtable activities and the RC&D grant for storm water demonstration projects. The City Administrator reported on experimental school day parking regulations on the east side of South 5th between School St. and Highway 5, website development and the emergency operations plan.

Motion by Shultz to ADJOURN AT 11:20 P.M. Seconded by Wiese. Roll call vote: Shultz – Aye, Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye. Motion carried.

Ruth Randleman, Mayor

Attest:

Neil Ruddy, Administrator/Clerk